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University of Bath

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Discretionary policies and transparency of qualifications: changing Europe without money and without States?

Manuel Souto-Otero

University of Bath

Claverton Down, Bath, BA2 7AY

mso21@bath.ac.uk

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Abstract: The paper aims to contribute to the European education policy literature through an analysis of what I refer to as ‘discretionary policies’, which are now instrumentally used by the EU but that have so far been largely overlooked by this literature, and to the literature on transparency of qualifications. The paper argues, first, that the education policy literature –as other policy literatures- has overlooked individual ‘discretionary policies’, to which greater attention should now be paid as they are employed by EU institutions to bypass Member States in particularly difficult policy areas and to try to address their lack of legitimacy by directly linking with citizens. Second, the paper looks at the crucial aspect of the effectiveness of discretionary policies and their consequences for individuals and Member States, with reference to a case study of the Europass framework in education and training.

1. Introduction: Discretionary policies

Much public policy analysis is characterised by a focus on policies that carry some kind of spending with them and/or are immediately or remotely coercive, and can therefore lead to the imposition of sanctions to shape individual or collective behaviour. This is clearly reflected in classic policy typologies, such as that offered by Lowi (1964, 1972), which define coercion as a fundamental feature of public policy. Following policy analysts that have taken a broader view of public policy, to encompass the use of coercion but also the provision of incentives and deterrents (Anderson 1977), I suggest that this misses important elements of public policy. I focus on the existence of what I call individual and environmental (or systemic) ‘discretionary’ policies, by means of which public bodies add possible lines of action that individuals or the environment can voluntarily decide to take up or not, unaffected by threats of coercion and which therefore do not imply an abrogation of individual autonomy. The paper illustrates the operation of such policies through a case study of Europass, the European framework for transparency of qualifications, one of the major recent EU initiatives in education and training, which is currently used by over 3 million people in Europe -a figure markedly on the increase. The paper argues that discretionary policies have become increasingly important in EU policy making in education, as tools for the EU to advance its supra-national interests in this area, in view of its limited legislative competences. This reflects the point that in its general sense ‘policies’ are just plans of action, whether

coded in texts or not, or lines of action themselves (cf. Ball 1994), without needing to have a coercive element in them. Although the modern State was defined by its claim of the monopoly over the legitimate use of violence (Tilly 1985), it does not follow that all its actions need to rest on its more or less immediate or distant coercive powers. In this respect discretionary policies are more closely related to the notion of ‘auctoritas’ than ‘potestas’. The relationship between both concepts is complex, and has increasingly become so through time (cf. Foucault 1981), a distinction already operated in Roman public and private law differentiating between a socially recognised power that determines the actions of others substituting their will by the powerful’s own (‘potestas’), and a socially recognised knowledge that leaves freedom of decision to others (‘auctoritas’): ‘Nemo ex consilio obligatur’, advice does not impose on others (cf. Hobbes 1982). Auctoritas may condition or incline decisions towards one course of action but it offers the possibility not to follow it, without sanctions (Ruiz-Miguel 1995). It is thus based on persuasion, rather than coercion.

Discretionary policies go beyond simple information (Hood 1986) or exhortation (Phidd and Doern 1983) to lead to the provision, by public authorities, of instruments and tools to follow their preferred lines of action without resorting to their imposition. These instruments, moreover, are not primarily based either on a direct financial incentive—unlike redistributive policies and policies based on subsidies— and can thus have very low levels of selectivity or no selectivity at all. Whereas Lowi referred mainly to policies that were reflected in laws that punish individuals or allow them to claim something, and that establish a clear relationship between these claims and the State, in the case of discretionary policies public bodies and individuals to which the policy is addressed do not have a similarly clear relationship and notions of monitoring and compliance, key in other types of policy, become much less meaningful. There is, ultimately, no sanction associated with the use/non use of the policy. In this way they are subtle policies, which can nevertheless be conducive to change at the individual as well as the systemic level.

As with national governments, the EU has a budget and the capacity to fund activities it considers beneficial, but by contrast to national governments the use of coercion to shape the behaviour of individuals and the environment in education and training is low as the EU lacks substantial competences in this field. Instead, the paper argues, it has resorted to ‘individual discretionary policies’, whereby the EU provides instruments or

tools for direct and voluntary use by citizens. The possibilities opened by this type of policy for the EU are underpinned by the fact that such policies, like regulatory policies, are most often highly technical in nature and require substantial delegation of authority from politicians to bureaucrats (Gerber and Teske 2000). The European Commission has often been willing to take the role of expert bureaucrat to ensure a stronger position in educational policy-making (Souto-Otero et al. 2008). Whereas individual discretionary policies are becoming an increasingly important feature of EU policy-making they have thus far received very little attention in the literature. Their analysis needs to address issues related to both their usefulness for and their take-up by citizens and how they affect EU legitimacy and governance. To provide an initial analysis of such aspects is the aim of this paper.

The reminder of the paper is structured as follows: section two reviews different types of EU action in education and training; section three outlines the methodology; section four presents the main features of the Europass initiative, and example of ‘individual discretionary policy’, and its link with transparency of qualifications and mobility; section five assesses the outputs and results achieved by Europass so far and explores the relationship between these results and the logic of the Europass framework; section six looks at discusses the results presented in the previous section and their implications; section seven presents my conclusions.

2. The EU and education: types of action

In spite of ‘formal’ limits associated with past and existing legislation, education has been increasingly established as a policy area at EU level (Alesina et al. 2005). In the 1970s less than 1% of EU documents referred to ‘education’ whereas the proportion is currently over 8%, substantially closer to traditionally salient policy areas like agriculture and industry (Walkenhorst 2008). This more frequent reference to education has been matched by substantial budgetary increases: EU education programmes increased from 1.6 billion in the period 1993-99 to 3 billion from 2000-2006 and 7 billion for the period 2007-2013 (European Parliament Factsheets 2007). Thus, and although education is a competence of Member States under the principle of

subsidiarity, there is an emerging space for European education policy (Dale 2009); but what kind of policy?

Most analyses of European initiatives in education and training focus their attention on large budget European programmes such as Socrates and Leonardo. Thus Dahl (2004) and Lenaerts (1994) have argued that the grant of financial aid through the Community seems to be the only possible way under the current legal arrangements to encourage a certain convergence in education and training between the Member States (Lenaerts 1994; see also Dahl 2004). Similarly, Ertl (2003) argued that Community Action programmes are the main way in which the Union can influence national policy. The large body of literature on Erasmus is probably the best example of the attention devoted to European funding programmes in education (see for recent examples Barblan et al. 2000; Teichler 2004; Enders 2004; Huisman 2004; Souto-Otero 2008). European programmes, based on large budgets and targeting individuals, tend to be very visible for citizens –like Lowi’s distributive and redistributive policies–, who can directly take part in them either as individuals or as members of a beneficiary organisation. But besides funding programmes the EU has used other ways of policy-making, including the agreement of common European objectives, setting up guidelines and timetables for the achievement of goals, the use of benchmarks and indicators to monitor progress, mutual learning and other measures designed to implement the Lisbon Agenda under the Open Method of Coordination (OMC) (Dale 2009; Kupfer 2008; Souto-Otero et al. 2008; European Commission 2003; Hingel 2001). These are more or less voluntary policies, where funding is not attached and coercion only takes the form of exhortation and public ‘naming and shaming’ when targets are not met and which in that respect could be considered ‘environmental discretionary policies’ according to the definition I suggested in the previous section. Indeed, the OMC is a ‘post-regulatory’ approach to governance (De la Porte et al. 2001) characterised by its decidedly non-hierarchical, ‘persuasive and non-coercive’ nature (Borras and Jacobsson 2004; Arrowsmith et al. 2004). These policies have been subject to substantial analyses, which have tended to largely focus on the degree to which policies in Member States have been affected by European initiatives.

This paper argues that, additionally, there are emerging new EU ‘individual discretionary policies’, that do not make great use of either coercion or expenditure (unlike EU funding programmes) and that are not targeted towards Member States (unlike measures

under the OMC, which still require Member State political consensus (Arrowsmith et al. 2004) and action. These encompass the Europass Framework covered in this paper and other instruments such as the European Credit Transfer Systems that include ECTS but also the forthcoming system for credit transfer in vocational education and training ECVET, a series of European Guidelines on guidance, validation of non-formal and informal learning and other aspects, which are designed for the direct use of citizens or educational institutions, with at most minor mediation of Member States for either their promotion or enforcement. Individual discretionary policies can thus bypass Member States to link directly with citizens, moving European actions from coordination, or at best policy design, to policy implementation.

Such policies have, potentially, several attractive features for EU policy makers. First, the EU faces substantial challenges regarding delayed implementation and non-compliance, even after time-consuming consensus seeking negotiation processes with Member States for the adoption of new legislation (Kaeding 2008; Treutlein 2007; Falkner et al. 2005). Individual discretionary policies offer an opportunity for direct effects, without the need to convince reluctant Member States (Souto-Otero et al. 2008). The risk of non-use, or action avoidance, is evident in individual discretionary policies as in the case of environmental discretionary policies, but political appropriation at the national level (De la Porte et al. 2001) is much lower. Second, and also importantly, individual discretionary policies have a high visibility for citizens, thus helping to address the lack of citizenship engagement of the EU (cf. Follesdal and Hix 2006), an aspect with which environmental discretionary policies and regulatory policies have struggled (Hatzopoulos 2007), and that has been of extreme concern to EU institutions recently during the debate and referenda on the Treaty of Lisbon. The Commission observed then that to reverse negative views of the EU ‘people need to feel that Europe provides and added value’ (European Commission 2005b). Thus, EU work on transparency has moved from a narrow interest in the mobility of people and the achievement of objectives of Member States to, increasingly, an interest of the EU in its own legitimacy not only as an indirect problem solving organisation that operates through policy implementation carried out by Member States, but as an organisation that is capable of articulating citizens’ demands and meeting these directly. Third, the EU does not have to worry significantly about judicial control over its competences and also the ways in which policy effects are distributed across Member States –even if these lead to

consequences some Member States would like to avoid- as these depend on the actions of individuals, and not directly the EU, which only steers from a distance.

Fourth, these policies have an insignificant budget compared to the large EU programmes –Europass budget is less than 4.5 million in total for the period 2007-2013 compared to 7 billion for the Lifelong Learning programme. This fourth point is straightforward. The other three are taken up in sections four to six respectively.

3. Methodology

The paper is based on a review of literature on Europass, European mobility and transparency of qualifications, analysis of administrative and survey data and interviews. The literature review made use of existing educational databases (ERIC in particular) to identify relevant papers. Those were filtered by title and abstract by the author and those found of relevance reviewed. The aim of this literature review was to obtain information on previous analysis of the Europass initiative (on Europass objectives, features and results) and to generate ideas and hypothesis on the relationship between Europass, transparency of qualifications and mobility.

The paper also made use of the results of a number of administrative data sources and surveys. Administrative data on Europass take-up comes from The European Centre for the Development of Vocational Training (CEDEFOP), which manages the Europass initiative. This data provides a longitudinal overview of the take-up of the initiative since 2005 to 2008. Data on user profile and Europass results comes from an online Europass users' survey, available between September and November 2007 from CEDEFOP's Europass website in English, French, German, Italian, Spanish and Polish and composed mainly of closed questions. The survey was part of the First evaluation of Europass and employed a convenience sampling strategy for visitors to the Europass website in the period in which the survey was open. The sample obtained was 1,430 Europass users from 30 countries. Web surveys have important advantages in terms of costs, sample size likely to be obtained, time-frame and also other aspects such as the minimisation of measurement errors (Schonlau et al. 2002). One disadvantage is that not all individuals in the target population may have access to the internet/ be frequent users; this is likely to be a small problem in this case as most Europass users are likely

to be computer literate and have access to a computer, as Europass is by and large an ICT-based tool –coverage error is then likely to be small. The survey may be subject to self-selection bias as individuals with a positive view of Europass may have been more willing to respond. Since there was no available sample frame for the survey nor detailed information on the background characteristics of Europass users and how these can affect their assessment of Europass it is not possible to estimate whether further biases exist in the data presented due to the profile of respondents. Europass CV –and to a lower extent Language Passport- users are likely to be overrepresented because some of the other Europass documents can be obtained without accessing the CEDEFOP website where the survey was available. Yet, the survey is a rich, and the best available, source on Europass results. Data obtained from the Europass survey were analysed to obtain descriptive statistics (frequency tables and cross-tabulations).

The paper also employs data on geographical and labour mobility obtained from a special module on mobility included in the Eurobarometer 64.1, a European face to face survey undertaken in 2005 by Eurostat that provides representative data at the national level. The analysis of these data explored the correlation between labour and geographic mobility in Member States and the use of Europass. The survey provides several measures of geographic mobility and labour mobility. As a measure of labour mobility this paper employed the percentage of people who had changed jobs three or more times. As a measure of geographic mobility the paper employed the percentage of people who had moved at least once to another region within their country and the percentage of people who had moved at least once within the EU. The analysis of these data included 20 Member States. Six Member States were excluded from the analysis because of exceptionally high ratio of Europass CVs filled on the CEDEFOP website as of June 2009 (above 0.01 per person living in the country or over twice above the EU-25 average). This was the case of five small countries, with a population below or around 10 million people (Luxembourg, Finland, Hungary, Malta and Portugal). Including these countries, which behave as outliers in the analysis over-represents trends that affect a very small proportion of the EU population and transforms the results obtained –as different dynamics to those reported are at play in those countries.

Finally, 47 interviews with Europass stakeholders were undertaken and their results analysed. These were telephone semi-structured interviews, undertaken in English, and

explored the results of Europass. They covered a wide range of stakeholders from 20 countries, including National Europass Centres (NECS), social partners, chambers of commerce, student unions, online recruitment agencies and representatives from the European Job Mobility Portal Eures.

4. Mobility, transparency of qualifications and the Europass framework

This section shows how the EU has tried to operate by means of hard law and collaboration with Member States in the area of transparency of qualifications and mobility, and then turned to complement this approach with greater usage of soft law, environmental discretionary policies and now, also, individual discretionary policies, following a process of ‘triple expansion’ (of focus, role and addressees) as detailed below. In drafting the Treaty of Rome the aim was to achieve four ‘freedoms’ of movement: capital, goods, services and labour. The last aspect was for a long time in the public eye as immigration increased in post-war Europe, leading to initiatives such as the 1953 European Convention on the Equivalence of Diplomas leading to Universities (Dingu-Kyrklund 2005) but only became an explicit educational matter with the Single European Act, which amended the Treaty of Rome so that the Union had powers to issue legislation requiring Member States to recognise one another’s qualifications (Field 1998). The message was that in moving towards a single market education and training were crucial. Freedom for workers to move was seen to contribute to the creation of a single market, greater economic competitiveness and reduce disparities between the different regions and Member States (Field 1998). The stimulation, directly or indirectly, of the mobility of workers within the Union therefore became a key tenet of education and training policy in the EU. Its importance has not faded away. When citizens were asked what the European Union meant to them in the 2005 Eurobarometer survey on geographical and labour mobility, the majority of respondents answered ‘freedom to travel and work in the EU’. This ranked ahead other fundamental aspects of the Union, such as the introduction of the Euro or safeguarding peace (Karpinnen and Buschak 2006).

Whether mobility is something to strive for is subject to debate. Most economists believe so, because geographic and occupational mobility, they claim, aid to achieve better functioning labour markets. “Happiness economics” (Layard 2005) have, more negatively, looked at the consequences of mobility in terms of the erosion of local community sentiments and strong decreases in well-being, to conclude that the economic benefits of mobility are out-weighted by its social costs. Europeans see the dilemmas implicated in mobility. Data from the 2005 Eurobarometer indicates that Europeans believe that geographical mobility is detrimental for ‘families’ and a ‘good thing’ for the employment-related domains of ‘the labour market’ and ‘the economy’, as well as for the ‘individual’. The EU mainly acknowledges the positive aspects of mobility, without dwelling too much on the personal and family costs associated with it and within the measures aimed at increasing mobility, education plays an important part. Because of the instrumental nature of EU education policies and programmes, the EU is often labelled as a neoliberal organisation emphasising response to market needs, individual responsibility and flexibility (Demeulemeester and Rochat 2001) at the expense of more inclusive approaches (Mitchell 2006).

Given its focus on the economic consequences of mobility the EU has, for a long time, considered mobility levels insufficient in absolute terms, and also in relative terms by comparison with the USA. The stock of the foreign-born population in the European Economic Area increased from 4.8% of the total population in 1991 to 5.7% in 2001 (OECD 2004). Yet the bulk of foreign citizens living in Member States have come from outside Europe. Less than 20% of the people in the EU have been mobile across regions (Vandendrande 2006); international mobility is even lower and mainly for the young and highly educated. In the USA around 30% of the population lives in a different State from that in which they were born.

The EU adopts a broad conception of mobility, which encompasses occupational as well as geographic moves. The process of globalisation entails more flexible labour markets due to changing economic environments, which require relentless adjustment and the extension of volatile jobs in the service sector (Auer 2005). Occupational mobility is thus higher than geographical mobility. About 8% of the working population changed jobs in 2004 and about 32% changed jobs in the period 1999-2004 (Vandendrande 2006). The average job duration in Europe is just over eight years, with higher mobility

rates for young and less educated people. Over three quarters of respondents to the 2005 Eurobarometer agreed with the view that there is no longer such thing as a job for life.

Below I outline European initiatives on the transparency of qualifications over the last fifty years or so and argue that the EU's approach has become both more modest and more ambitious than in the past: more modest since no general enforceable rules are directly created by it; more ambitious as EU actions have undergone a "triple expansion". First, there has been an expansion from a focus on professional qualifications and a low proportion of the population to gradually include other types of qualifications and competences, with effects on much larger proportions of the population. Second, there has been an expansion from EU policy coordination to a EU coordination/ implementation role. Third there has been an expansion in the addressees of EU policy, from Member States in the initial harmonisation attempts to individuals with the adoption of the transparency approach.

The initial EU approach to reducing the obstacles to mobility caused by different education and qualification systems was the mutual recognition of qualifications and rights to professional practice, based on 'hard law' and harmonisation of regulated professions. European Directives covering professions such as nursing, dentistry, pharmacy, veterinary dentistry and architecture, were contested by professional organisations and on occasions Member States (Hake 1999). These, moreover, only covered a minute part of the population. The second strategy was to address from the mid-1980s non regulated professions through softer forms of regulation by means of the comparability of qualifications, creating a common format for such comparisons. The comparability approach was based on the idea that rather than establishing direct equivalences between what could be very different education or training qualifications, the content of occupations should be explored for these to act as reference points for qualifications which could then be compared (Gordon 1995). This shifted the focus from seeking equivalence between existing qualifications to the analysis of learning outcomes. EU institutions carried out the initial comparison of learning outcomes and constructed the information to be provided to other parties. This approach was soon revealed as an enormously complicated exercise, and doubts began that comparability could provide sufficiently clear information about qualifications to facilitate mobility. The transparency approach thus began in the early 1990s. The transparency approach

encouraged information sharing on qualifications and qualification systems amongst Member States, but also the creation of better tools to summarise individual's competences so that these could be easily communicated by those moving geographically, sectorally or educationally. Thus transparency aimed to make clear to other parties, including citizens, employers and educational institutions the nature and content of national qualifications. Here it is no longer Member States and European institutions who work on the transparency of qualifications and competences. Individuals and employers also do. The main effort is for the EU to provide information for individuals to make their judgements rather than the judgements themselves, unlike in the two previous approaches. On the other hand, these judgements are not related to general rules, which can of course raise problems of different judgement and inequalities of treatment.

Several significant pieces of legislation were adopted in the late 1990s regarding qualifications, both in vocational education and training and higher education. The Council resolution 96/C224/04 and other regulations called for greater transparency of vocational qualifications but they were only partially implemented by Member States (Deane 2005). This highlighted the limitations that arise for the EU from relying only on Member States for policy implementation. In higher education a major legal instrument, the Lisbon Convention on the Recognition of Qualifications Concerning Higher Education, was adopted in 1997 and later became a prominent aspect in the Bologna process. While this referred to academic recognition only it is also used for the recognition of the non-regulated sector of the labour market. When considering candidates with foreign qualifications, employers need to know to which qualifications of their country these foreign qualifications correspond. In these cases, applicants seek a statement of academic recognition and the Lisbon Convention provides the principles to be applied (Rauhvargers 2004). Such regulations were accompanied by the creation of a range of European networks of specialised national agencies that occurred since the 1980s, from NARIC to Euroguidance, concerned with recognition processes and the setting up of specialised working groups at EU level. The greater progress achieved in this period showed the EU the advantages of directly linking with a broader set of stakeholders in this area.

In 1998 a European Forum on the Transparency of Vocational Qualifications was set up

by the Commission and CEDEFOP, to further bring together national authorities and social partners working in this area and whose main achievement was to move from EU funded pilot projects towards the mainstreaming of successful practices on agreed priority themes. From 2000 new emphasis was placed on transparency under the Lisbon strategy. In 2002 a smaller technical working group substituted the Transparency Forum, with the mandate to increase transparency through the rationalisation of tools and networks, including the integration of five transparency instruments developed by the Commission, the Council of Europe and UNESCO into one single framework. This integration resulted in the “Europass framework”, adopted in December 2004, which brought together the Europass CV, Europass Language Passport, Europass Certificate Supplement, Europass Diploma Supplement and Europass Mobility, in what Ertl (2006) had described as “one of the major activities of the EU” in education and training outside its framework programmes. Europass should in this way integrate information on qualifications and competences across all lifelong learning. The backbone of the framework is the Europass CV, which includes all qualifications and competences of individuals and to which all other current Europass documents can be linked. Since Europass is an open framework, further documents such as sectoral qualifications could be added in the future to adapt Europass to relevant developments. Individuals can fill it in and use it without Member States’ action, selective applications for funding or other stakeholders than the EU mediating in their use. This culminated a process from action with Member States and funded projects in transparency issues to addressing individuals directly through individual discretionary policies.

It is a defining characteristic of the framework that although the nature and function of the documents it comprises varies, including self-completion documents (such as the CV and the Language Passport) and documents that are completed by third parties (Europass Certificate Supplement, Europass Diploma Supplement and Europass Mobility), key elements of the Europass can be downloaded from CEDEFOP’s website and used or not by citizens voluntarily and without any intermediary national organization. In this way, the framework bypasses the requirement to build political support for the implementation of Europass in Member States many of which are agnostic, skeptical or unsure about implementing it (Deane 2005). The effectiveness of Europass will determine to an important extent the benefits of such move for EU institutions. The next section reviews results obtained by Europass in the period 2005 to

2009 in relation to its stated objectives.

5. EU visibility and legitimacy

This section provides information on the outcomes and results achieved by Europass from 2005 putting its main focus on the framework as a whole and its main element, the European CV. The section looks in particular at the take-up of the initiative and the extent to which Europass has been able to make transparency tools better known and more used amongst EU citizens and whether the current Europass documents have achieved their objective of facilitating mobility, mainly drawing on data obtained in a survey of beneficiaries. The section shows that Europass has been successful in raising awareness amongst its potential users and in its take-up. It has been able to attract people from a cross-section of backgrounds in terms of age, education level and occupational status, although equity considerations can be raised as it is highly educated people who make greater use of the Europass documents. This can be effective from an economic perspective as those individuals who are assumed to be most productive, those with higher education credentials, and whose unemployment or underemployment could be considered to produce greater wastage of skills use the Europass documents more often. But this suggests that changes in the design or dissemination of the initiative would need to be undertaken if Europass is to also benefit those with lower qualification levels, instead of appealing only to an elite.

5.1 EU visibility: Awareness of and access to transparency documents

Increased awareness of Europass documents is a prerequisite to increasing their use, which is crucial to show both the technical problem-solving capacity of the framework itself and the EU and also regarding EU legitimacy and citizenship engagement. The EU has sought to increase awareness of the Europass by setting up a dedicated website, the establishment of a network of National Europass Centres and through European (a European Launch Conference in January 2005 gathered over 400 participants from 32

countries and generated press articles with an estimated readership of 24 million (European Commission 2006) and national dissemination events. Yet, the survey of Europass beneficiaries revealed that there is an important level of dissemination of Europass at “grass-roots” levels, as educational institutions and friends are the main disseminators for the initiative. As a result of this, CEDEFOP’s Europass website is highly used, with over 12 million visits from 2005 to 2009. Whereas the number of visitors had been around 200,000 in January 2006 it exceeded 600,000 in January 2009 (CEDEFOP 2009) reflecting an increasing awareness of Europass documents.

The Commission target for Europass was that 3 Million documents would be in use by 2010 (European Commission 2005a; 2006). This target was considered ambitious at the time by the European Parliament’s Education and Culture Committee Chairman (Euractiv 2005) who, moreover, expected that most of the take-up relied on Europass Mobility documents and was dependent on the links of the documents with EU mobility programs. The issuing of 300,000 documents per year from 2005 was also expected from the Diploma Supplement, which the Commission argued should be issued to all graduates of higher education as agreed in 2003 as part of the Bologna process, and the Certificate Supplement, which should be received by those who achieve a vocational training programme. Take up was thus expected by the Parliament to rely on funding and the action of educational institutions steered by national commitments. In reality developments have been diametrically opposed to these expectations. The Europass CV has been used well beyond what was expected, whereas the usage of other documents was below target. By 2009 over 3 million CVs alone had been completed online.

The take-up of the document came mainly from highly educated young people between 21 and 35 years of age and people in employment, who represented 70% of Europass users (Europass Survey). This could be considered good news for the EU: Europass has mainly been used by the younger generations and those in employment and highly educated, who are also the most politically active parts of the population. Greater usage by young educated people could be expected as most people below that age are not occupationally mobile and will seldom complete a CV, mobility decreases strongly for people above 45 and highly educated people move more often, in a proportion around two to one (Vandenbrande 2006). The difference in the use of Europass is nevertheless stark, in particular in relation to those with postgraduate studies. Two thirds of Europass

users had university education, compared to less than 30% of the population 25-64 in the EU having achieved at tertiary level (OECD 2008). By contrast only 2.5% of users had only achieved up to primary education. Most often people using Europass were in education or employment, but unemployed people were overrepresented in the survey compared to the population. Just under 7% of respondents to the Europass survey were pupils at school or trainees/ apprentices, around 25% were at college/ university, around 19% had been in employment for less than five years and around 29% for five years or more; 16% were unemployed and 4% in other occupational status. The fact that on the whole Europass has been used mainly by the most politically aware and active sections of the population can help to explain why equity issues have not been raised by the EU as a strong concern in relation to Europass. Having reviewed Europass awareness and usage by different demographic groups the next section moves on to analyse whether Europass has resulted in an increase in the understanding and recognition of qualifications and competences and the realization of mobility opportunities.

5.2 From visibility to legitimacy: realisation of mobility opportunities

This section explores whether Europass helps to improve the understanding and recognition of qualifications and competences and thus the realization of mobility opportunities, contributing to the legitimization of the EU as an effective problem-solving organization. It is important to note here that Europass can, as already highlighted, make a limited contribution to increasing geographic and occupational mobility. Labor mobility among EU countries did not increase after the much more fundamental measures for the elimination of restrictions on intra-EU labour mobility in 1993 (Krueger 2000). Yet it is evident that one of the challenges that people face when trying to move is making their skills and competences clear to prospective employers or educational institutions. Data on these issues were gathered through the survey of beneficiaries and interviews with stakeholders. Interviews with stakeholders showed a broad consensus that the Europass framework helps in making information regarding qualifications and competences clearer to organisations from other countries and to a lower extent across economic sectors. Respondents justified this assessment of Europass

by pointing out the benefits of its standardized approach. As one interviewee from a social partner organisation put it: "Within the European Union there are now over 20 Member States, each with its own way of presenting qualifications and competences. Europass is a standard which could make the work of understanding them by, for example, a recruiter much easier." The survey of beneficiaries offered a more nuanced picture, although on the whole this view was supported. The survey showed that the Europass CV in particular was a 'very useful' or 'useful' tool to present qualifications and skills in a clearer way according to 93% of respondents. Figures for the Language Portfolio were also high (61%) whereas those for the Diploma Supplement, Certificate Supplement and Europass Mobility were lower (around 40%), due to a large proportion of respondents (over half) not having used those documents. Less than 5% of respondents considered any of the Europass framework documents as not useful. Although it could be argued that these results may be affected by the fact that data were collected from the users of the Europass portal, which visit the website precisely because they find the tools useful, the proportion of respondents finding these tools (very) useful is so large, that it clearly reinforces the view provided by stakeholders that Europass makes qualifications and competences more easily understood across geographic and occupational areas.

Europass would prove to be most relevant if, through increasing the transparency of qualifications and competences, it contributes to facilitate mobility for lifelong learning or occupational purposes, nationally or across countries. The survey of beneficiaries asked the extent to which Europass had helped users to gain access to such mobility opportunities. Over three quarters of respondents to that question considered that Europass had helped them to materialize mobility opportunities at least to a moderate extent (44% to a large or very large extent). If we consider Europass low budget and large number of beneficiaries together with the magnitude of this impact Europass appears as a cost-effective tool, as also reported during stakeholder interviews. Yet it is important to note that within these trends, there are inter-group differences. Those reporting a greater impact of Europass were students (over 70% of those in schools and 50% of university students reported Europass helped them to a very large or large extent) followed by those in employment (around 45%) and finally the unemployed (36%). Europass is not only more used, but also favors more those groups composed by young people with high levels of educational attainment more greatly, reinforcing the

trends highlighted above: Europass has mainly appealed and benefitted the educated and those in employment.

6. Winners and losers: the political economy of Europass at national level

I have argued that individual discretionary policies can generate environmental changes. The previous discussions focused on the effects of Europass on individuals. This section turns to assess the implications of Europass take-up for Member States, looking in particular at whether Europass can be considered to move countries towards greater neo-liberalism and facilitate brain-drain. The section first provides a test of the relationship between Europass and labour and geographical mobility and then extracts implications from the results obtained for Member States.

Europass, and the transparency approach more generally, has implied a re-centralisation of the management and implementation of actions to the EU but also a decentralization regarding the decision-making on the value of individual qualifications and competences towards the market (either labour market or educational institution) rather than by law or public sector regulation (Deane 2005). The framework aims to solve problems related to the lack of perfect information faced by stakeholders in mobility. But Europass tries to facilitate a number of different mobility experiences and the relevance of the initiative could be asymmetric in relation to these, something that is often ignored. The different mobility experiences that Europass tries to stimulate are surrounded by different conditions and face very different challenges regarding the presentation of skills and competences. Similarly, the knowledge of individuals in relation to how to present their competences in application processes and the ‘social capital’ they could mobilize through family, friends and other institutions to fill in particular knowledge gaps is highly diverse. Below I check through correlation analysis using Europass beneficiaries survey data (for the variable related to Europass CV –by far the most widely Europass tool- usage) and Eurobarometer survey data (for the variables related to occupational and geographical mobility) from 20 countries whether Europass is equally associated with geographic or labour mobility. The analysis does

not include educational mobility –e.g. in terms of mobility from academic to vocational courses or transfer between areas of study- as measurements for it, as defined by the Commission, are not available.

The results are presented in Table 1, which shows that Europass is more strongly correlated to geographical, the less frequent type of mobility as already seen, than to labour mobility.

[Table 1 here]

Contrary to what it could be expected, there is a negative correlation between the level of use of the Europass CV in a country and its level of geographic and labour mobility. Regarding geographic mobility the results are qualitatively similar, showing a negative relationship between Europass CV usage and both national mobility and mobility to another European country. The relationships are moderately strong, although only statistically significant for national mobility. The results for labour mobility are close to the significance level but the magnitude of the correlation is smaller. Sensitivity analyses undertaken, replicating the model with the full sample of 25 countries, provided qualitatively similar results, except for EU mobility, which became positively associated with the usage of the Europass CV, but all results became not significant statistically. Correlations withdrawing a wider set of smaller countries (Cyprus, Estonia, Ireland, Latvia, Lithuania and Slovenia) made Europass very strongly correlated, negatively, with labour mobility (-.719) and national mobility (-.631) whereas the correlation with EU mobility was moderate (-.402). Correlations with labour (.006) and national (.021) were statistically significant, whereas the correlation with EU mobility was not (.154).

On the whole these results suggest that the correlation between Europass and any type of mobility is negative for a large set of European countries. This means that, contrary to what could be expected, it is in those countries where mobility is lower that there is a greater usage of the Europass CV. The results regarding whether Europass is more strongly associated to labour or geographic mobility or vice-versa are less robust. How can the negative correlation between Europass and mobility be explained? Europass has a value as a tool to present information, as a guidance and quality assurance framework.

Each geographic/ occupational context has a set of procedures for the presentation of information on qualifications and competences. In this context Europass can be an “average” or ‘safe bet’ in the presentation of qualifications and competences when individuals do not have an in-depth knowledge of the national or occupational context to which they are applying. The implication of this is that, almost by definition, the use of Europass will be an appropriate safe strategy and will avoid “big mistakes”, even though it will seldom present skills and competences in the most relevant way. Europass also has a value as a guidance tool and as a quality assurance mechanism in some of its documents. In relation to these, again, more targeted guidance on specific country/ occupational requirements from employers or national employment services in the country of destination, personal connections or private agencies, could be more beneficial to individuals than Europass. Yet those sources may not always be available to individuals due to knowledge, language, geographic or time- related barriers. In those cases Europass will also be a relevant tool, even if objectively it is not the best tool available. As a result it seems that it is in those countries where mobility levels are lower and where individuals, thus, may have more difficult access to other sources of information on the presentation of their skills and qualifications and guidance through family, friends and other means is where Europass is most useful and used.

If it is accepted that mobility labour and geographical mobility increase economic efficiency and as the Europass CV is an effective tool, the framework would be contributing to increase mobility in those countries where its effect could be higher – those with lower starting mobility levels. A different reading of the data is that Europass is contributing to move those European countries that have lower levels of mobility towards a neo-liberal model, narrowly concerned with economic and labour market efficiency rather than social cohesion or, more broadly, ‘happiness’. Also of importance are concerns with the redistributive implications of Europass and particularly a brain drain, as Europass is mainly used by people with high levels of educational attainment. Facilitating the mobility of this group can be economically efficient, but it may lead to a concentration of talent in wealthier areas. As we have seen the relationship of Europass with international mobility is not significant, which suggests that Europass is not having significant effects in terms of brain-drain between countries. By contrast, Europass is more often used in those countries with low levels of national mobility and it is in these countries that the relationship between Europass and mobility is strongest and most

significant. Europass, then may be facilitating brain-drain between regions within the same country. It is nevertheless important to note that Europass does not affect the will or the incentives to move individuals have. It is, instead, used by individuals who have decided to move. Still the environmental consequences are similarly relevant.

7. Conclusions

The paper has argued that public policy can operate without reference to distant or immediate coercion or funding through what I have defined as ‘discretionary policies’ to try to influence individual or environment behaviour. While such policies may not always be appropriate or desirable for the EU, they may also have some advantages for it, in particular in difficult policy areas, increase EU visibility with citizens and operate broader effects on Member States. The advantages and the operation of discretionary policies were detailed with reference to EU actions in education and training. More specifically, the paper showed how the EU is developing voluntary policies that enable it to reduce the potential for conflict and frequent lack of action (non-compliance) by Member States and link directly with citizens to benefit from singular advantages in terms of visibility and legitimacy of the Union. These individual discretionary policies have received much less attention than the traditional modes of EU operation through funding programmes or regulations directed to Member States. In education and training, the paper has argued, the area of transparency of qualifications has been one in which a clear evolution can be seen from attempts of “hard” legal recognition approaches (Lowi’s ‘regulatory’ and coercive policies) in relation to professional competences in regulated professions that depended on Member State implementation to a EU “triple expansion” through softer regulatory approaches first to other professional and non-professional qualifications and competences and by extension to a much larger number of people, second, to a greater role in policy implementation, and third to address individuals rather than Member States. This triple expansion has led the EU to the adoption of individual discretionary policies such as the Europass framework, which aims to make qualifications and competences transparent across professions and geographic locations to enhance the key EU tenet of mobility, and which is to be voluntarily used by citizens and companies.

With Europass the EU aimed to continue to adopt the role of an efficient problem-solver, not only in the eyes of Member States, but also much more immediately than in past initiatives on transparency, in the eyes of individuals. The EU takes an important role in the implementation of Europass that alters its customary lack of contact with citizens, which in turn is expected to have certain consequences in relation to its visibility and legitimacy. In terms of visibility, the already salient mass of people who have used Europass reveals it as a useful tool for the EU. The way in which Europass is implemented is thus opening up new ways of contact between the EU and citizens without the mediation of Member States. If “new policies create new politics” (Schattschneider 1935) because new policies create new constituencies that protect them, generate expectations and facilitate the articulation of some interests and disarticulate others (Thelen 2000) the question is how significant could be the expected effects of Europass and related discretionary policies in the area of education and training. This is a novel approach in this area, where the EU has traditionally operated through Member States or European funding programmes. The use of discretionary policies that the EU itself manages could be expected to aid in the process of legitimacy of the Union, as they help it to be perceived by citizens as an organization that is capable of articulating their demands and meet these, at least partly, directly. It could also be expected to counter-balance its much flaunted image of detachment from citizens, in particular if Europass shows to be an effective tool, at the expense of more bureaucratic modes of policy-making. However, Europass and similar policies on their own will not create “strong constituencies” (Olson 1965; Eifert et al. 2002) that significantly protect them and have vested interests in them, as some constituencies now do with EU funding programmes. Electoral and legitimacy benefits from these policies may therefore be difficult to materialize for the EU as the benefits they provide are too dispersed and most likely insufficient to make citizens change their views of the Union. This will continue to be the case unless mobility becomes a less ambivalent concept in the minds of European citizens, who currently see it as much a social problem as an economic solution. Europass, nevertheless, shows a model that the EU can continue to replicate and use to link with citizens and create stronger constituencies through them in a range of policy areas.

A dilemma for the EU as a political organization is the lack of traditional accountability measures for such policies, as the Commission takes the place of policy-designer and

implementer, acting as a government that is not replaceable through elections. Secondly, Member States may be increasingly reluctant to such a model if it proliferates, in particular in the case of policies that they envisage are likely to be effective and create strong interests as they will prefer to reap the benefits of these policies themselves through implementation at the national level. They have, moreover, institutional stickiness and the difficulties associated with policy reform on their part.

Related to but beyond the implications derived from the nature of the Europass as a problem solving tool are the environmental effects of its implementation on particular sets of Member States and effects on the EU's visibility and legitimacy. The EU considers mobility in Europe insufficient for reasons of economic performance, taking America as the model to aspire to, which is in itself highly problematic from several angles. The data used in this paper suggest that, contrary to what could be expected, Europass is more frequently used than expected in those countries where mobility, both geographic and labour, is low. Thus Europass has so far not accentuated the differences in mobility between European countries; if anything, it has so far contributed to reducing them compared to a "counterfactual" situation without Europass. This could elicit social and economic charges that Europass is indeed implicated in, helping to transform Europe towards a neo-liberal area by having a stronger effect in those countries where mobility has been lowest, therefore contributing to the predominance of a single political economy model that emphasizes economic efficiency above other goals. But the paper has also illustrated how the EU has to worry less about accusations of imposing a single (neo-liberal) political economy model in Europe when operating through discretionary policies. This would then be a much more subtle approach towards the promotion of neo-liberalism than more explicit regulatory (or de-regulatory) policies.

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Table 1: Correlations between Europass CV usage and national labour and geographical mobility

		Labour mobility	National Mobility	Mobility to EU country
Cv	Pearson Correlation	-.441	-.507*	-.311
	Sig. (2-tailed)	.059	.027	.182
	N	19	19	20

*. Correlation is significant at the 0.05 level (2-tailed).